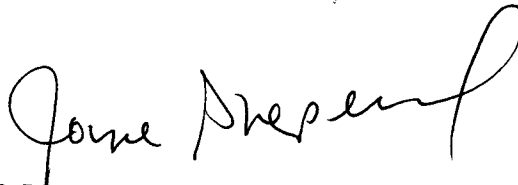


AN ORDINANCE



08-0-2312

BY COUNCILMEMBER JOYCE SHEPERD

WAIVING CERTAIN PROVISIONS OF SECTION 138-97 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA REQUIRING THE INSTALLATION OF SIDEWALKS IN INDUSTRIAL ZONING DISTRICTS TO AVOID THE CREATION OF AN UNSAFE CONDITION; TO REQUIRE PAYMENT OF SIDEWALK CONSTRUCTION FUNDS INTO A DESIGNATED TRUST FUND FOR DISTRICT 12 IN LIEU OF SIDEWALK CONSTRUCTION; AND FOR OTHER PURPOSES.

WHEREAS, the Coca-Cola Company owns property abutting Browns Mill Road and Empire Industrial Boulevard in Southeast Atlanta (the "Property"), whose physical address is 3791 Browns Mill Road, S.E.; and

WHEREAS, the Coca-Cola Company is engaged in the redevelopment and expansion of its production facilities at the Browns Mill Road location; and

WHEREAS, Section 138-97(a) of the City of Atlanta Code of Ordinances requires sidewalks and curbs along all public streets within and abutting the Property; and

WHEREAS, this particular Property contains an active railroad right-of-way immediately adjacent to and including the location where the public sidewalk would normally be installed, consisting of an approximate 590 foot portion of Empire Industrial Boulevard, as shown on the attached Exhibit "A," and

WHEREAS, the existence of the active railroad right-of-way in such close proximity to a pedestrian walkway would create a potentially unsafe condition for pedestrians; and

WHEREAS, the Coca-Cola Company intends to comply with the installation of public sidewalks abutting its Property as set forth in Section 138-97(a) but wishes not to create an unsafe condition by installing certain portions of the sidewalk and has instead offered to deposit the cost of installing the sidewalk along Empire Industrial Boulevard into the discretionary sidewalk improvement fund within Council District 12; and

WHEREAS, the city council finds that the construction of the sidewalks along Empire Industrial Boulevard may lead to an unsafe condition if the requirements of the Code were carried out; and

WHEREAS, the Coca-Cola Company has agreed to provide to the City funds in the amount of \$11,200 as determined by the Commissioner of the Department of Public Works to be equal to

the value of construction of sidewalks within Council District 12, to be used to install sidewalks in locations more appropriate for pedestrian use.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1. That the requirements of Section 138-97(a) of the Code of Ordinances requiring the construction and installation of sidewalks and curbs along all public streets within and abutting the Property located at 3791 Browns Mill Road, S.E. are hereby waived.

Section 2. That the waiver of Section 138-97(a) contained in Section 1 herein is conditioned upon the Coca-Cola company first tendering to the City of Atlanta \$11,200 dollars in lieu of the installation of 590 linear feet of sidewalks and curbs on the west side of Empire Industrial Boulevard as shown on Exhibit "A," which is affixed hereto and incorporated herein by reference, containing a plat and metes and bounds legal description of the sidewalk area.

Section 3. That the tendered funds shall be applied to Trust Fund Account 7701 (Trust Fund) 250403 (PDC Planning) 3229005 (Sidewalk Waiver Fees Revenue) 7410000 (Planning & Zoning) 202766 (Council District 12 Sidewalk Waiver) 91494.

Section 4. That the deposited funds shall only be used for pedestrian improvements and sidewalk construction within the boundaries of the Glenrose Heights Neighborhood, as shown on the Bureau of Planning Map entitled "City of Atlanta, City Council Districts, Neighborhood Planning Units and Neighborhoods", located only in Council District 12.

Section 5. That in the event the developer withdraws his request, this ordinance is void and of no further effect.

Section 6. All ordinances and parts of ordinances in conflict with this ordinance are hereby waived only to the extent of said conflict.

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(Do Not Write Above This Line)

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- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☒ PERSONAL PAPER REFER

Date Referred 11/17/68

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Refer To

FINAL COUNCIL ACTION
☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

MAYOR'S ACTION